

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6145 OF 2004

Narsing Bahiruji Tupe
since deceased through his LRs
Smt.Muktabai Narsing Tupe & Ors. .. Petitioners.
Vs.
Sonu Ishwar Tupe
since deceased through LRs
Balasaheb Sonu Tupe & Ors. .. Respondents.

Mr.N.P.Deshpande for the petitioners.
Mr.Sanjeev Rairkar for respondent nos.1(a) and 1(b).

CORAM : D.B.BHOSALE, J.

DATED : 26TH SEPTEMBER, 2006

P.C.:

Heard learned counsel for the petitioners and respondent nos.1(a) and 1(b).

2. This petition is directed against the order dated 2.4.2004 passed on the application at Exhibit-24 in Civil Appeal No.570/2003 by which the petitioners prayer for temporary injunction restraining the respondent-appellant from disposing of the suit property till the disposal of aforesaid appeal has been rejected. This court while issuing notice on 3rd August, 2004 directed the parties to maintain status quo as on the date of the order with regard to the suit property until further orders. The order of

status quo operates till today. Mr.Rairkar, learned counsel for respondent nos.1(a) and 1(b), states that before passing the order of status quo the development agreement has been executed. Keeping that in view and considering that the order of status quo is operating since last more than two years I find no reason to keep this writ petition pending any more and I am satisfied that the ends of justice would be met by the following order:

(a) The appeal court shall dispose of civil appeal no.570/2003 as expeditiously as possible and in any case within a period of eight months from the date of receipt of this order on merits in accordance with law and without being influenced either by the impugned order or by the order of status quo granted by this court.

(b) The order of status quo that was granted on 3rd August, 2004 to remain operative till the disposal of the appeal. The parties are directed to co-operate disposal of the appeal within time frame.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)